

REMARKS

Claims 1, 2, 4-19, and 27-49 were pending in the present application. The Examiner has now allowed claims 12-19 and 45. The Examiner has also stated that “claims 1-2, 4-5, 12-19, and 44-45 are directed to an allowable product.” By this Amendment, Applicants have amended claim 1 to remove reference to the “commercial products” language objected to by the Examiner, and have canceled claims 6-11, 27-43, and 46-49 without prejudice to the right to pursue the canceled subject matter in a future continuing application. Applicants also have added new claims 50 and 51, which depend from claim 1. Support for the new claims can be found throughout the specification and claims as originally filed. Specifically, support can be found, *inter alia*, at paragraphs [0040] and [0043]. The present Amendment does not introduce any new matter and thus, its entry is respectfully requested. Upon entry of the present Amendment, claims 1-2, 4-5, 12-19, 44-45, and 50-51 will be pending and under examination. Applicants believe all of these claims are in allowable condition.

The September 13, 2007 Office Action

Examiner’s rejection under 35 U.S.C. §103 withdrawn

The Examiner withdrew the previous rejection of claims 1-2, 4-5, 12-17, 19, and 44-45 under 35 U.S.C. §103 following Applicants’ previously filed Reply. The Examiner also indicated that claims 1-2, 4-5, 12-19, and 44-45 “are directed to an allowable product.”

In response, Applicants acknowledge and appreciate the withdrawal of the prior obviousness rejection and the Examiner's recognition of allowable subject matter.

Examiner's Claim rejections under 35 U.S.C. §112, first paragraph—enablement

The Examiner rejected claims 27-43 under 35 U.S.C. §112, first paragraph, as lacking enablement. The Examiner's rationale for the rejection is set forth at pages 3-6 of the Office Action.

In response, without conceding the correctness of the Examiner's position, but to expedite allowance of the present application, Applicants have canceled claims 27-43 without prejudice, thus rendering the rejection moot. Accordingly, Applicants respectfully request withdrawal of the enablement rejection of claims 27-43.

Examiner's Claim rejections under 35 U.S.C. §112, first paragraph (written description) and second paragraph (indefiniteness)

The Examiner rejected claims 1, 2, 4-11, and 46-49 under 35 U.S.C. §112, first paragraph, as lacking adequate written description. According to the Examiner, the terms "commercial products," "article of commerce," and "food supplement," as used in the claims are not defined in the specification in a manner that allows one of ordinary skill in the art to know what is encompassed by the claims. The Examiner also rejected the same claims under 35 U.S.C. §112, second paragraph, as being indefinite for essentially the same reasons. Finally, Applicants note that the Examiner has concluded that the art "does not teach the use of S-equal

in a composition.”

In response, Applicants have amended the claims to remove reference to the terms noted above that form the basis of the Examiner’s rejections. Accordingly, Applicants believe that the written description and enablement rejections have been fully overcome and that the claims, as amended herein, are in condition for allowance.

In view of the above claim amendments and remarks, Applicants believe all of the Examiner’s concerns set forth in the September 13, 2007 Office Action have been fully overcome and the claims are in condition for allowance. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

No fee is believed due in connection with the filing of this Amendment. If, however, any fee is deemed necessary, authorization is hereby given to deduct such fee, or credit any overpayment, to Deposit Account No. 02-2135.

Respectfully submitted,

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By



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